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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Comoros, Cuba, Djibouti, Egypt, Guinea, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mali, Mauritania, Morocco, Namibia, Oman, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Sudan, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of), Yemen and Palestine: draft resolution

Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem

The General Assembly,

Recalling its relevant resolutions, including resolution 60/107 of 8 December 2005, as well as those adopted at its tenth emergency special session,

Recalling also the relevant resolutions of the Commission on Human Rights and the Human Rights Council,

Bearing in mind the relevant resolutions of the Security Council,

Having considered the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories[1] and the report of the Secretary-General,[2]

Taking note of the recent reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied since 1967,[3]

[1] See A/61/500.

[2] A/61/329.

[3] See E/CN.4/2006/29 and A/61/470.

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Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice,[4] and recalling also General Assembly resolution ES-10/15 of 20 July 2004,

Noting in particular the Court's reply, including that the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law,

Recalling the International Covenant on Civil and Political Rights,[5] the International Covenant on Economic, Social and Cultural Rights[5] and the Convention on the Rights of the Child[6] and affirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem,

Aware of the responsibility of the international community to promote human rights and ensure respect for international law, and recalling in this regard its resolution 2625 (XXV) of 24 October 1970,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force,

Reaffirming also the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[7] to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Reaffirming further the obligation of the States parties to the Fourth Geneva Convention[7] under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and responsibilities of the High Contracting Parties,

Reaffirming that all States have the right and the duty to take actions in conformity with international law and international humanitarian law to counter deadly acts of violence against their civilian population in order to protect the lives of their citizens,

Stressing the need for full compliance with the Israeli-Palestinian agreements reached within the context of the Middle East peace process, including the Sharm El-Sheikh understandings, and the implementation of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,[8]

Stressing also the need for the full implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 5 November 2005, to allow for the freedom of movement of the Palestinian civilian population within and into and out of the Gaza Strip,

Noting the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the importance of the dismantlement of settlements therein as a step towards the implementation of the road map,

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[4] See A/ES-10/273 and Corr.1.

[5] See resolution 2200 A (XXI), annex.

[6] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[7] Ibid., vol. 75, No. 973.

[8] S/2003/529, annex.

Expressing grave concern about the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force, the use of collective punishment, the reoccupation and closure of areas, the confiscation of land, the establishment and expansion of settlements, the construction of the wall inside the Occupied Palestinian Territory in departure from the Armistice Line of 1949, the destruction of property and infrastructure, and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,

Gravely concerned about the military actions that have been carried out since 28 September 2000 and that have led to thousands of deaths among Palestinian civilians, including hundreds of children, and tens of thousands of injuries,

Condemning in particular the large-scale military assaults carried out by Israel, the occupying Power, in recent months in the Gaza Strip, which have caused extensive loss of Palestinian civilian life, including among children, as well as the use of psychological warfare, through the use, amounting to an act of collective punishment, of sonic booms, which spread fear and panic among the civilian population,

Condemning the vast destruction caused by the Israeli occupying forces, including of religious, cultural and historical sites, of vital infrastructure and institutions of the Palestinian Authority, and of agricultural land throughout Palestinian cities, towns, villages and refugee camps, and expressing deep concern about the short- and long-term detrimental impact of such destruction on the socio-economic and humanitarian conditions of the Palestinian civilian population,

Expressing deep concern about the Israeli policy of closure and the severe restrictions, including curfews and the permit regime, that continue to be imposed on the movement of persons and goods, including medical and humanitarian personnel and goods, throughout the Occupied Palestinian Territory, including East Jerusalem, and the consequent negative impact on the socio-economic situation of the Palestinian people, which remains that of a dire humanitarian crisis,

Concerned about the continued establishment of Israeli checkpoints in the Occupied Palestinian Territory, including East Jerusalem, and the transformation of several of these checkpoints into structures akin to permanent border crossings inside the Occupied Palestinian Territory, which are destroying the territorial contiguity of the Territory and severely undermining efforts to rehabilitate and develop the Palestinian economy,

Expressing grave concern that thousands of Palestinians, including children and women, continue to be held in Israeli prisons or detention centres under harsh conditions that impair their well-being, and expressing concern about the ill treatment and harassment of any of the Palestinian prisoners and all reports of torture,

Welcoming the free and democratic Palestinian Legislative Council elections that were held on 25 January 2006,

Expressing deep concern about the arrest and detention of democratically elected Palestinian officials,

Convinced of the need for an international presence to monitor the situation, to contribute to ending the violence and protecting the Palestinian civilian population and to help the parties implement the agreements reached and, in this regard, recalling the positive contribution of the Temporary International Presence in Hebron,

Stressing the necessity for the full implementation of all relevant Security Council resolutions,

1. *Reiterates* that all measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, in violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] and contrary to the relevant resolutions of the Security Council, are illegal and have no validity;

2. *Demands* that Israel, the occupying Power, comply fully with the provisions of the Fourth Geneva Convention of 1949[1] and cease immediately all measures and actions taken in violation and in breach of the Convention, including all of its settlement activities and the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, as well as the extrajudicial executions;

3. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, resulting in extensive loss of life and vast numbers of injuries, including among children, massive destruction of homes, properties, agricultural lands and vital infrastructure, and the internal displacement of civilians;

4. *Expresses grave concern* at the use of suicide bombing attacks against Israeli civilians resulting in extensive loss of life and injury;

5. *Notes* the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the dismantlement of the settlements therein as a step towards the implementation of the road map;[3]

6. *Calls upon* Israel, the occupying Power, in this regard, to comply strictly with its obligations under international law, including international humanitarian law, with respect to the alteration of the character and status of the Occupied Palestinian Territory, including East Jerusalem;

7. *Demands* that Israel, the occupying Power, cease all practices and actions that violate the human rights of the Palestinian people, and that it respect human rights law and comply with its legal obligations in this regard;

8. *Welcomes* the free and democratic Palestinian Legislative Council elections that were held on 25 January 2006;

9. *Calls upon* Israel, the occupying Power, to release all Palestinians illegally detained and imprisoned, including children and women, and calls for the release of detained Palestinian officials;

10. *Calls for* the provision of emergency assistance to the Palestinian people to alleviate the dire humanitarian situation and financial crisis resulting from the extensive destruction caused by the Israeli occupying forces, the severe closures and

restrictions on movement, the suspension of aid and the withholding of tax revenues due to the Palestinian Authority;

11. *Emphasizes* the need to preserve the institutions of the Palestinian Authority and Palestinian infrastructure for the provision of vital public services to the Palestinian civilian population and the promotion of Palestinian civil, political, economic, social and cultural rights;

12. *Demands* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice[4] and as demanded in resolutions ES-10/15 of 20 July 2004 and ES-10/13 of 21 October 2003, and that it immediately cease the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damage caused by the construction of the wall, which has gravely impacted the human rights and the socio-economic living conditions of the Palestinian people;

13. *Stresses* the need for respect for the unity and territorial integrity of all of the Occupied Palestinian Territory and for guarantees of the freedom of movement of persons and goods within the Palestinian territory, including the removal of restrictions on movement into and from East Jerusalem, and the freedom of movement to and from the outside world;

14. *Also stresses* the need for the full implementation of the Sharm El-Sheikh understandings and the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing, both of 5 November 2005;

15. *Requests* the Secretary-General to report to the General Assembly at its sixty-second session on the implementation of the present resolution.